

to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4089. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4090. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4087.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 21 and 22, insert the following:

(C) PROHIBITION ON CERTAIN PRIVATE SPONSORED TRAVEL.—

(1) IN GENERAL.—A Federal agency and any employee of that agency may not accept payment for travel or travel-related expenses from a non-Federal entity if the non-Federal entity has been subject to the jurisdiction of that agency in the 2-year period preceding such travel.

(2) DEFINITION OF SUBJECT TO THE JURISDICTION OF THAT AGENCY.—In this subsection, "subject to the jurisdiction of that agency" means, with respect to a non-Federal entity and a Federal agency, that the non-Federal entity has been subject to an order, investigation, or regulation of the Federal agency.

**SA 4088.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, between lines 4 and 5, insert the following:

(3) LEAD CRYSTAL.—The Commission may by rule provide that subsection (a) does not apply to lead crystal if the Commission determines, after notice and a hearing, that the lead content in lead crystal will neither—

(A) result in the absorption of lead into the human body; nor

(B) have an adverse impact on public health and safety.

**SA 4089.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following new title:

#### TITLE —OFFICE OF INTERNATIONAL AND DOMESTIC PRODUCT SAFETY

##### SEC. 01. SHORT TITLE.

This title may be cited as the "International and Domestic Product Safety Act".

##### SEC. 02. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security.

(2) CONSUMER PRODUCT.—The term "consumer product" means any of the following:

(A) Food, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), including—

(i) poultry and poultry products, as defined in section 4 of the Poultry Products Inspection Act (21 U.S.C. 453);

(ii) meat and meat food products, as defined in section 1 of the Federal Meat Inspection Act (21 U.S.C. 601); and

(iii) eggs and egg products, as defined in the Egg Products Inspection Act (21 U.S.C. 1033).

(B) A drug, device, cosmetic, dietary supplement, infant formula, and food additive, as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(C) A consumer product, as such term is defined in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052).

(D) A motor vehicle, motor vehicle equipment, and replacement equipment, as such terms are defined in the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30102).

(E) A biological product, as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(F) A pesticide, as such term is defined by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(G) Any other food, consumer product, fishery product, beverage, or tobacco product with respect to which a department or agency that is represented on the Council has jurisdiction.

(3) COUNCIL.—The term "Council" means the Product Safety Coordinating Council established under section 04.

(4) DIRECTOR.—The term "Director" means the Director of the Office of International and Domestic Product Safety established under section 03.

(5) OFFICE.—The term "Office" means the Office of International and Domestic Product Safety established under section 03.

##### SEC. 03. OFFICE OF INTERNATIONAL AND DOMESTIC PRODUCT SAFETY; DIRECTOR.

(a) ESTABLISHMENT OF OFFICE.—There is established in the Department of Commerce an Office of International and Domestic Product Safety.

(b) DIRECTOR.—The Office shall be headed by a Director of International and Domestic Product Safety who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report to the Secretary of Commerce.

(c) DUTIES.—The Director shall be responsible for facilitating the oversight and coordination of international and domestic consumer product safety responsibilities in a manner that protects the health and safety of United States consumers and ensures that consumers and businesses have access to vital consumer product safety information. The Director shall—

(1) establish policies, objectives, and priorities to improve the management, coordination, promotion, and oversight of all departments and agencies that are responsible for international and domestic consumer product safety;

(2) work with consumer groups, industry, and other interested parties to establish the

policies, objectives, and priorities described in paragraph (1);

(3) create a "one-stop" Federal website for consumer product safety information;

(4) develop and maintain a centralized user-friendly public database of all consumer product recalls, advisories, alerts, seizures, defect determinations, import bans, and other actions related to products sold (or offered for sale) in the United States, including mandatory and voluntary actions taken by Federal and State departments and agencies, or by businesses;

(5) implement a system for disseminating consumer product recall alerts to consumers and businesses, including retailers, the media, and medical professionals;

(6) promote the development of risk assessment models to assist Federal departments and agencies responsible for the importation and safety of consumer products to better identify and prevent the importation or introduction into commerce of unsafe products;

(7) promote the development of food tracing technology to provide consumers with access to the supply chain history of a consumer product;

(8) develop guidelines to facilitate information sharing relating to the importation and safety of consumer products among Federal departments and agencies, State and local governments, businesses, and United States trading partners;

(9) develop and maintain a public electronic directory of services to assist consumers and businesses in locating consumer product safety information;

(10) develop a framework for engaging United States trading partners in efforts to improve consumer product safety, including cooperation and coordination related to safety standards, testing, certification, audits, and inspections before consumer products are shipped to the United States;

(11) establish an inventory of Memoranda of Understanding negotiated by Federal departments and agencies with foreign governments related to the importation and safety of consumer products, and promote coordination among Federal departments and agencies seeking to negotiate new memoranda; and

(12) develop and implement other activities to ensure that there is a unified effort to protect the health and safety of United States consumers, including—

(A) simplifying consumer-retailer interaction regarding consumer products identified as unsafe;

(B) improving consumer product labeling;

(C) developing comprehensive record-keeping throughout the production, importation, and distribution of consumer products; and

(D) increasing public access to information regarding—

(i) consumer product safety standards, testing, and certification;

(ii) enforcement of consumer product safety laws; and

(iii) consumer product-related deaths, injuries, and illness.

(d) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Director of International and Domestic Product Safety, Department of Commerce."

(e) FUNCTION OF THE OFFICE.—The function of the Office of International and Domestic Product Safety is to assist the Director in carrying out the duties of the Director described under this title.

(f) STAFF.—The Director may employ and fix the compensation of such officers and employees as may be necessary to assist the Director in carrying out the duties of the Director. The Director may direct, with the

concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency on a reimbursable or non-reimbursable basis.

#### SEC. 04. PRODUCT SAFETY COORDINATING COUNCIL.

(a) **ESTABLISHMENT.**—There is established a Product Safety Coordinating Council.

(b) **COMPOSITION.**—The Council shall consist of the following members or their designees:

(1) The Director, who shall chair the Council.

(2) The Commissioner of U.S. Customs and Border Protection.

(3) The Under Secretary of Commerce for International Trade.

(4) A Deputy United States Trade Representative, as determined by the United States Trade Representative.

(5) The Under Secretary of State for Economic, Energy and Agricultural Affairs.

(6) The Under Secretary of Agriculture for Food Safety.

(7) The Commissioner of Food and Drugs.

(8) The Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(9) The Chairman of the Consumer Product Safety Commission.

(10) The Administrator of the National Highway Traffic Safety Administration.

(11) The Deputy Administrator of the Environmental Protection Agency.

(12) The Administrator of the Alcohol and Tobacco Tax and Trade Bureau.

(13) The Deputy Attorney General.

(14) The Director of the Centers for Disease Control and Prevention.

(15) The Chairman of the Federal Trade Commission.

(16) Such other officers of the United States as the Director determines necessary to carry out the functions of the Council.

(c) **DEPARTMENT AND AGENCY RESPONSIBILITIES.**—

(1) **IN GENERAL.**—The department or agency of each member of the Council shall assist the Director in—

(A) developing and implementing a unified effort to protect the health and safety of United States consumers;

(B) ensuring that consumers and businesses have access to vital consumer product safety information; and

(C) carrying out the responsibilities of the Director under this title.

(2) **COOPERATION.**—Each member of the Council shall seek to ensure that the department or agency the member represents—

(A) provides such assistance, information, and advice as the Director may request;

(B) complies with information sharing policies, procedures, guidelines, and standards established by the Director; and

(C) provides adequate resources to support the activities and operations of the Office.

(d) **MEETINGS.**—The Director shall convene monthly meetings of the Council.

#### SEC. 05. STRATEGIC PLAN.

(a) **STRATEGIC PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter, the Director shall, after consulting with the members of the Council, submit to the President and to Congress a strategic plan.

(b) **CONTENTS OF STRATEGIC PLAN.**—The strategic plan submitted under subsection (a) shall contain—

(1) a detailed description of the goals, objectives, and priorities of the Office and the Council;

(2) a description of the methods for achieving the goals, objectives, and priorities;

(3) a description of the performance measures that will be used to monitor results in

achieving the goals, objectives, and priorities; and

(4) an estimate of the resources necessary to achieve the goals, objectives, and priorities described in subparagraph (1), and an estimate of the cost of the resources.

#### SEC. 06. REPORT ON INTERNATIONAL AND DOMESTIC PRODUCT SAFETY.

(a) **REPORT REQUIRED.**—Not later than November 1 of each calendar year, the Director shall submit to the President and to Congress, a written report on the safety of international and domestic consumer products.

(b) **CONTENT OF REPORT.**—The report submitted under subsection (a) shall contain a detailed description of the implementation of the duties set forth in section 03(c) of this title.

(c) **CONSULTATIONS.**—The Director shall consult with the members of the Council with respect to the preparation of the report required under subsection (a). Any comments provided by the members of the Council shall be submitted to the Director not later than October 15 of each calendar year. The Director shall submit the report to Congress after taking into account all comments received.

#### SEC. 07. PRIORITY IN INTERNATIONAL TRADE TALKS.

The President, the Director, and members of the Council shall seek to engage trading partners of the United States in bilateral and multilateral fora regarding improvements in consumer product safety, including cooperation and coordination with respect to—

(1) authorization of preexport audits and inspections;

(2) establishment of safety standards, testing, and certifications; and

(3) public dissemination of information concerning consumer product recalls, advisories, alerts, seizures, defect determinations, import bans, and other related actions.

#### SEC. 08. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out the provisions of this title and the activities of the Office.

#### SEC. 09. AUTHORIZATION OF INTERAGENCY SUPPORT FOR PRODUCT SAFETY COORDINATION.

The use of interagency funding and other forms of support is authorized by Congress to carry out the functions and activities of the Office and the functions and activities of the Council.

**SA 4090.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, line 11, strike "cigarette" and insert "Cigarette".

#### PRIVILEGES OF THE FLOOR

Mr. PRYOR. Mr. President, I ask unanimous consent that Melissa Zolkeply, an intern for the Senate Commerce Committee, be granted floor privileges during the consideration of S. 2663.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### APPOINTMENT

**THE PRESIDING OFFICER.** The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 67, 110th Congress, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Senator from Nevada, Mr. REID, the Senator from California, Mrs. FEINSTEIN, and the Senator from Utah, Mr. BENNETT.

#### ORDERS FOR TUESDAY, MARCH 4, 2008

Mr. INOUE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, March 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the consideration of S. 2663, a bill to reform the Consumer Product Safety Commission; further, I ask that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. INOUE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Tuesday, March 4, 2008, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be general

LT. GEN. STEPHEN R. LORENZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. ALLEN G. PECK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. JOHN T. SHERIDAN